

Remarks

Claims 1-29 are pending and rejected in the present application. By this paper, Applicant has amended claims 1, 17, 18 and 28.

Specification

The Examiner has objected to the specification based on informalities on pages 5 and 7, which are corrected by this amendment.

Claim Objections

The Examiner has objected to claims 17 and 18 for informalities of referring to “the at least one first flute” as “the at least one primary flute.” By this paper, Applicant has amended claims 17 and 18 to correct this informality.

Claim Rejections - 35 U.S.C. § 102

Rejection of Claims 1-6, 9, 10, 13, 14, 16-24 and 27-29 As Being Anticipated By Yeo ‘316

The Examiner has rejected claims 1-6, 9, 10, 13, 14, 16-24 and 27-29 under 35 U.S.C. § 102(b) as being anticipated by Yeo ‘316. According to the Examiner “Yeo ‘316 shows in Figure 1 a rotary cutting tool (10).” However, a rotary cutting tool is not claimed. In contrast, a reamer is claimed. Specifically, “a reamer for enlarging a preexisting hole in a workpiece by rotation and axial movement relative to the workpiece” is claimed. Yeo fails to disclose the claimed subject matter. Rather, the end mill (10) of Yeo has cutting edges formed along the length (column 2, lines 43-63) for cutting a “finished edge on workpiece 54.” (Column 3, lines 18-21). Claim 1 does not read upon the end mill of Yeo ‘316 and therefore is not anticipated thereby.

Claims 2-6, 9, 10, 13, 14, 16-24 and 27 depend from claim 1 and therefore are not anticipated by Yeo '316 for at least the reasons stated above with reference to claim 1.

Claim 28, like claim 1, also claims a reamer, which is not disclosed in the Yeo '316 and therefore is not anticipated thereby.

Claim 29 teaches a method for reaming a preexisting hole with limitations to various steps in the method for reaming. No such disclosure is found in Yeo '316.

**Rejection of Claims 1-10, 13 and 18-29
As Being Anticipated By Serwa 2002/0090273**

The Examiner has rejected claims 1-10, 13 and 18-29 under 35 U.S.C. § 102(b) as being anticipated by Serwa. The Examiner states "Serwa 2002/0090273 shows in Figures 1-3 a rotary cutting tool (10)." Applicant has claimed a reamer, not a rotary cutting tool. The rotary cutting tool of Serwa is a router bit (10) for performing "roughing and finishing cuts in one cutting operation." Serwa, Abstract. In contrast, Applicant claims a reamer for enlarging preexisting hole in a workpiece. Claim 1 does not read on Serwa and therefore claim 1 is not anticipated thereby.

Claims 2-10, 13 and 18-27 depend from claim 1 and therefore are not anticipated by Serwa for at least the reasons stated above with reference to claim 1.

Claim 28 also claims a reamer, wherein Serwa fails to teach or disclose a reamer.

Claim 29 teaches a method for reaming a preexisting hole, wherein Serwa teaches a routing bit "for drilling and/or milling operations." (Column 1, paragraph 1). Since claim 29 does not read on Serwa, claim 29 is not anticipated thereby.

The Examiner has failed to meet his burden in rejecting claims as being anticipated, because the references fail to teach all of the limitations in the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Yeo '316 in view of Reynolds et al. '458. However, Yeo '316 and Reynolds '458 alone and in combination fail to teach or disclose a reamer for enlarging a preexisting hole in a workpiece. Therefore the Examiner has failed to establish a *prima facie* case of obviousness for claim 11.

The Examiner has rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Yeo '316 in view of Magill et al. '712. As stated above with reference to the base claim, claim 1, Yeo fails to teach or disclose a reamer. Further, Yeo and Magill et al. alone and in combination fail to teach or disclose the cutting edge limitations of claim 1. Thus, the combination of references fails to teach or disclose the claimed invention, and a *prima facie* case of obviousness has not been established for claim 12.


The Examiner has rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Yeo '316 in view of Miller '487. Yeo '316 fails to teach a reamer. Yeo '316 and Miller '487 alone and in combination fail to teach a reamer with the cutting edge limitations of claim 1. Therefore, a *prima facie* case of obviousness has not been established for claim 15.

Conclusion

In view of the foregoing, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

Respectfully submitted,

Paul Martin Schulte

By 

Michael D. Turner

Reg. No. 52,306

Attorney/Agent for Applicant

Date: 10/11/05

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351